IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 79 of 1997

Between:

Baswaraju Rajender Prasad s/o Late. Govind Rao,aged about 34 years,Agriculture & Service, Velgatoor (V) & Mandal, Karimnagar

District.

..... PETITIONER

AND

1. District Collector Karimnagar, Karimnagar District..

2 Land Acquisition Officer-cum-Revenue Divisional Oficer, Peddapalli , Karimnagar District. .

3 Mandal Revenue Officer, Velgatoor Mandal, Karimnagar District..

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to direct the respondents not to acquire the lands in Sy.No.141, measuring Ac.3-20 Gts. of Velgatoor Village & Mandal Karimnagar District belonging to the petitioner , declaring the proceedings already initiated in file Nos. H3/1152/96 and B/2741/96, dt 9-11-96 and
19-12-96 on the file of the 1st and 2 respondents as illegal , void and without jurisdiction.

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For the Petitioner:MR.S.SRINIVASA SHARMA,Advocate

For the Respondents : GP FOR LAND ACQUISITION

The Court made the following :

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ORDER:

This Writ Petition is filed by the petitioner aggrieved by the action of the respondents in proposing to acquire the land of the petitioner in an extent of Ac.3-20 gts., situate in Velgtoor village and Mandal, Karimnagar District.

2. According to the petitioner, no notification acquiring land under section 4(1) of the Land Acquisition Act was published. It is also stated that the petitioner has already surrendered an extent of Ac.16-00 of land under Agricultural Land Ceiling and therefore, the acquisition of another extent of Ac.3.20 guntas would cause hardship to the petitioner and his family. It is also stated that there is a Government land, adjoining the village, and without distributing the said land to the landless poor, the land of the petitioner, which is at a distance of one Kilometer away from the village and situated in the paddy fields was proposed to acquire.

3. The learned counsel for the petitioner also contended that the respondents have invoked emergency powers under Section 17 of the Act and may take possession of it, therefore, the petitioner filed the Writ Petition seeking declaration that the said proposed acquisition is illegal and without jurisdiction.

4. A Counter has been filed on behalf of the Land Acquisition Officer disputing and denying the allegations. In the Counter, it is stated that the District Collector has approved the acquisition of land in question and the draft notification and draft declarations were published in the Gazette on 16-11-1996 and 20-11-1996 respectively. The substance of draft notification and draft declarations was published

in the locality on 28-12-1996. The notifications were also published in Telugu news paper on 27-12-1996 and in English News paper on 25-12-1996. Thereafter, because of the orders of this Court, the land could not be taken possession by the authorities.

5. At the time of hearing it is also represented that on filing of the Counter and the vacate petition, the Court having satisfied with the contention of the Government Pleader vacated the stay granted at the time of admission. It is stated that the subsequent developments are not available with the Government Pleader. Therefore, the learned Government Pleader sought to dismiss the petition.

6. None appeared for the Writ Petitioner.

7. Heard the learned Government Pleader and considered the material on record.

8. In view of the categorical submissions made by the respondents in the Counter as to the publication of the draft notification and draft declaration under section 4(1) and Section 6 of the Land Acquisition Act, in addition to the publication of the same in the news papers as well as the publication of the subsistence of the notifications in the locality, the grounds raised in the writ petition are without any substance. Further the interim order granted by this Court was also vacated on 25-06-1997.

9. In that view of the mater, nothing survives in the present writ petition, and the same is accordingly dismissed. No costs.

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S.ANANDA REDDY,J

DT.28.6.2004.

Dvs/kvh

ASSISTANT REGISTRAR.

//**TRUE COPY**//

SECTION OFFICER

To

1 The District Collector, Karimnagar District,Karimnagar.

2. The Land Acquisition Officer-cum-Revenue Divisional Officer

Peddapalli,Karimnagar District.

3. Mandal Revenue Officer, Velgatoor Mandal,Karimnagar District

4. Two C.Cs.to Government Pleader,Land Acquisition,

High Court of A.P..Buildings, Hyderabad. (OUT)

5.Two CDs.